

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAY 18 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2009-0224
	)	DEPARTMENT A
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
WILLIAM FREDRICK YORK, JR.,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-2008-3913

Honorable John Leonardo, Judge

AFFIRMED

Wanda K. Day

Tucson  
Attorney for Appellant

K E L L Y, Judge.

¶1 Following a jury trial, William Fredrick York, Jr. was convicted of theft of a means of transportation. The trial court found he had one historical prior felony conviction and sentenced him to a mitigated, enhanced prison term of four years. York appealed, and counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (1999), avowing she has thoroughly reviewed the Record on Appeal and reporter's transcripts and has found no

arguable issues’ to raise. She asks this court to search the record for reversible error. York has not filed a supplemental brief.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the record and found no error warranting reversal. Viewed in the light most favorable to sustaining the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 98 P.2d 914, 914 (App. 1999), the evidence established that the victim’s motorcycle had been stolen on the first or second day of September, 2008. Sheriff’s deputies located the motorcycle approximately two weeks later, parked outside of York’s residence/business. The motorcycle had “very obvious ignition damage” and was secured with a “master lock,” the key to which was found hanging from York’s belt. The motorcycle’s ignition had been undamaged when the victim had last seen it on September 1.

¶3 A person commits theft of a means of transportation by “[c]ontrol[ing] another person’s means of transportation knowing or having reason to know that the property is stolen.” A.R.S. § 13-1814(A)(5). Sufficient evidence supported the jury’s verdict as well as the court’s determination that York had a historical prior felony conviction. The sentence the court imposed was within the statutory range for York’s offense. Therefore, we affirm the conviction and the sentence imposed.

/s/ *Virginia C. Kelly*  
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VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ *Joseph W. Howard*  
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JOSEPH W. HOWARD, Chief Judge

/s/ *Philip G. Espinosa*  
\_\_\_\_\_  
PHILIP G. ESPINOSA, Presiding Judge